

**The committee consisting of Mr. Beresford, Mr. Jefferson, Mr. Chase, Mr. Spaight and Mr. Read, appointed to take into consideration the state of Indian affairs in the Southern Department, beg leave to report ...**

**THE** Committee consisting of Mr. Beresford, Mr. Jefferson, Mr. Chase, Mr. Spaight and Mr. Read, appointed to take into consideration the state of Indian affairs in the Southern Department, beg leave to REPORT:

That a report was made upon Indian affairs in the northern and middle departments, and being amended, was agreed to on the 15th of October 1783: That, as many of the principles contained in that report will apply with equal propriety to the southern department, and the sense of Congress was then expressed, the committee propose, so often as the circumstances agree, to adopt them in the present. That the department consigned to their particular consideration extends, as it is defined by an act of Congress of July 12, 1775, so far northward as to include the Cherokees, and so far southward as to include all the other southern tribes.

That all claims made by South-Carolina and Georgia upon the Indians have been satisfied. That in a conference with a deputation of Indians held in Charleston, South-Carolina , in December 1782, by governor Matthews, there appeared in them a pacific disposition; and from the circumstances in which our treaty with Great-Britain has left the hostile Indians, the same disposition may be supposed to be universal among them. That the preservation thereof is an object greatly desireable; for though a weak, they are a destructive foe; and in a contest with them much may be lost, but nothing won which will be useful to us, or which will not be more useful when it will be more easily won. That if an Indian war should

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be rekindled, repeated victories might produce the retreat of the Indians, but could not prevent them from gaining possession of some of the distant territory of the United States: That while such temporary expulsions could only be effected at a great charge, they could not be maintained but by numerous garrisons, and an expensive peace establishment. That even if the Indians could be totally expelled, the policy of reducing them to such an extremity is deemed questionable; for in case of any future rupture with Great-Britain, they would thereby become an useful ally to that power, and a formidable enemy to the United States. That it is highly fortunate that in the southern department no subject of contention threatens us when we are but little prepared to contend; yet how long that may continue, which at present seems to be in some degree the effect of disappointment and despair, it cannot now be ascertained, and it will probably depend upon the measures which the occasion may suggest. That generosity, clemency and mercy, ought to appear in the transactions of the grand council of the United States, with a people who lie in a lamentable state of ignorance and error; and that these will perhaps be found ultimately to compose the best policy. That so often as the interests of both parties can be made to accord, mutual advantage ought to be attempted; and that nothing else can form so solid and durable a foundation for harmony and peace. that small benefits should be cheerfully resigned for the probable attainment of those which are important, more especially as it cannot be presumed the Indians will in their present circumstances venture upon any extravagant demands.

That Congress, however desirous they may be to gratify their better feelings in acts of humanity, will not be warranted in advancing beyond the essential interests of their constituents: and furthermore, generosity becomes bankrupt, and [frustrates?] its own designs by prodigal bounty. That the states which are inhabited by the Indians in the southern department, have in common with the rest of the United States, pledged themselves for the payment of the public debts; that justice, gratitude and good policy, direct them to make ample provision more especially for their own quota of the virtuous army, whose patient courage has so eminently conducted to the establishment of their

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liberty and independence; that it is become necessary by the increase of domestic population and emigration from abroad, to provide speedily for the settlement of their respective territories, and their finances do not admit of any considerable expenditure to extinguish the Indian claims upon such lands—The committee are therefore of opinion, that the Indians in the southern department, should be prevailed upon to ascertain and establish between the United States and themselves, such lines of property, and to make such cessions of uncultivated land to the states they inhabit respectively, as may be convenient to those nations, and commensurate to the present and approaching necessities of those states. Nor, in the opinion of the committee, can the Indians make any reasonable objection against the measures recommended. They were themselves aggressors in the war, without even a pretence of provocation; and the barbarities which attend their mode of warfare are too shocking and of too great notoriety to be here recited. These circumstances are sufficient to manifest the obligation they are under to make atonement for their outrages, and a reasonable compensation for the expences and alarms to which they have exposed their unoffending neighbours; and they possess no other means to do this act of justice than by a compliance with the proposed terms.

The committee are of opinion, that care should be taken neither to yield nor require too much; to accommodate the Indians as far as the public good will admit, and to avoid the hazard of a war, the expences of which may exceed the value of the acquisition fought for: but it is supposed that when they shall have been informed of the damages which our citizens have sustained from their irruptions, and those of their British ally, all unreasonable expectations will be suppressed—

Whereupon *Resolved*, That conventions be held with the Indians residing in the southern departments, who have taken up arms against the United States, for the purpose of receiving them into the [favor?] of the United States, and of establishing boundary lines of property for separating and dividing the settlements of the citizens of the United States from the Indian villages and hunting grounds, and thereby extinguishing as far as possible, all occasion for future animosity, disquiet and contention, That First, and as a preliminary,

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it shall be required, that all prisoners of whatever age or sex among the Indians, and all fugitive and other slaves, shall be delivered up.

Secondly. That the Indians be informed, that after a contest of eight years for the sovereignty of this country, Great-Britain has relinquished to the United States all claim to the country within the limits described by the second article of the definitive treaty between the United States and the king of Great-Britain, signed on the third day of September, in the year 1783; that is to say, (Here insert the limits.)

Thirdly. That as the Indians in contempt of every principle of justice and humanity, regardless of the friendly temper and designs of the United States, and in defiance of their power of resentment, were determined to join their arms to those of Great-Britain and to share her fortunes, so consequently by a less generous people than Americans, they might be compelled to retire to the most distant parts of the continent. But as we prefer clemency to rigor, as we persuade ourselves that their eyes are open to their error, and that they have found by fatal experience, that their true interest and safety must depend upon our friendship; as the country is large enough to maintain and support us all; and as we are disposed to be kind to them, to supply their wants, and to partake of their trade; we, from these considerations, and from motives of compassion, draw a veil over what is past and will establish a boundary line between us and them, beyond which we will restrain our citizens from hunting and settling, and within which the Indians shall not come but for the purposes of trading, treating, or other business equally unexceptionable. That Congress are desirous that the most friendly intercourse may subsist between us, and that all commercial transactions may be conducted upon the most equitable principles, and such as may equally promote the interests of both parties. But that they take warning of the perils of a fresh rupture. That a second injury is more grievous than the first. That an offence against one state will be resented by the whole. That their friends have deserted them, and that our arms obliged them to do so: that without their friends they must be immediately overwhelmed. That we also have friends who never deceived us; but on the contrary enabled us to capture an army the loss of which ruined the British cause

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in America. That their friends, in the late treaty of peace, left them to the mercy of their enemies, having made no stipulation in their favor; yet that we are not disposed to take advantage of their distress: that men ought to be preferred who are merciful as enemies to men who are treacherous as friends.

Fourthly. The commissioners which shall be appointed to treat with these Indians, are instructed to use their own discretion in establishing between the United States and the several nations of Indians, the most advantageous boundary lines to which they can be induced to accede; unless they shall hereafter be otherwise directed by Congress .

Fifthly. The commissioners are instructed to treat with the Indian nations collectively, or at different times and places as they shall find most conducive to the interest of the United States, care being taken to avert the mischiefs which may arise from united councils or powerful combinations among the Indians, and to encourage in them every disposition to act independently.

Sixthly. The commissioners are instructed not to admit into a treaty with the Indians, or suffer to be in any manner connected with it, any article, stipulation or condition whatsoever, making or confirming, or tending to make or confirm to any individual or individuals, any grant or grants of land, whether real or pretended, within the bounds of the United States as before described. Moreover that no treaty which may have been concluded with the Indians by any state or states, and not by the United States in Congress assembled , for obtaining land or for any other purpose, shall be confirmed by the treaty or treaties now proposed to be held; unless the said treaties which may have been concluded by such state or states, appear manifestly and perfectly consistent with the design of the treaties now proposed to be held.

Seventhly. The commissioners are instructed to take security from the Indians, for the performances of their engagements, if they shall find this measure practicable.

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Eighthly. The commissioners are instructed to warn all persons not properly authorized, from trading with the Indians. That the commissioners do not allow the Indian traders to take advantage of the intoxication of the Indians, or to wrong them in any manner in their dealings; and in order that the traders may be kept under the controul of the commissioners, and that their fidelity may be ensured, and these evils may be prevented, the commissioners are instructed to put them under the obligation of a bond with good and sufficient security.

Ninthly. The commissioners are instructed to encourage the Indians to give intelligence of any mischievous designs which may be concerted in any neighbouring tribe against the United States; thus will evil be prevented in the first instance, and the strength of the Indians be divided, and diminished by violated faith, should any tribe, at present friendly to us, become in future hostile and threaten an invasion. That the commissioners take proper steps for obtaining and transmitting such intelligence with all possible dispatch.

Tenthly. That it be recommended to the executive of the state of South-Carolina, to furnish the commissioners which shall be appointed to treat with the Indians in the southern department, with all such goods and sums of money as may be necessary at the proposed treaty or treaties, and fully to carry into effect the views of the United States in Congress assembled; and that a credit shall be allowed to the said state for the amount of such advances as part of the quota of the said state on any of the requisitions of Congress against the said state now unsatisfied. But if the state of South-Carolina, should fail to grant the supplies above mentioned, that the superintendant of finance be directed to purchase goods of such kinds as are most useful and acceptable to the Indians, to the amount of dollars. And that the goods or sums of money which may be furnished by the executive of South-Carolina, or the superintendant of finance, be deposited in the hands of the commissioners, they having previously appointed an agent, subject to their orders, to take them under his care. that the commissioners make the useful presents to the Indians

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at their first interview. That the rest of the goods be disposed of at such prices as shall appear to the commissioners prudent and convenient.

Eleventhly. That the commissioners use such arguments as shall appear to them most likely to prevail with the Indians, to enter into the society of the citizens of the United States: and that they make them acquainted with such laws as exist in the different states, particularly those in their vicinity, for the encouragement of new settlers.

The committee are moreover of opinion, that commissioners not exceeding in number with salaries of dollars per day each, exclusive of their expences, be immediately appointed with instructions to form a treaty or treaties with the Indians in the southern department, upon the principles contained in the foregoing report, so far as shall be consistent with the articles of confederation.

The committee also think it adviseable, that Congress recommend that laws be passed for preventing persons not authorised by Congress, from trading with the Indians; also for the security of the Indians, and the punishment of those who shall invade them, or in any manner treat them unjustly, and thereby endanger the tranquility of the United States: also to adapt their laws as much as convenient to the purpose of inducing the Indians to become citizens.

The committee upon Indian affairs in the southern department, have also been directed to take under consideration several papers consisting of a letter from general Wilkinson, to the president, dated [?] of Ohio, January 17th, 1784; a letter from Mr. J. Donne, to general Wilkinson, of the same date; a talk of five chiefs of the Chickesaw nation of Indians, dated Chuck-ul-issah, July 20th, 1783, addressed to the president, and forwarded by Mr. Donne, through general Wilkinson; also a copy of the commission of captain Colbert, taken from the original by Mr. Donne, under which he served the king of Great Britain n the late war, and commanded a volunteer corps of white men and southern Indians, also

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forwarded by Mr. Donne. The committee have attentively perused these papers, and from the representations they contain, have agreed to report their opinion as follows.

That long before the declaration of peace with Great Britain, and as early as the beginning of the year 1782, the Chickesaw nation of Indians made overtures for a peace with the United States, but before a messenger dispatched by general Clark, to assist in concluding the same, could reach their country, the hunting season had arrived, and the chiefs were abroad; but that the most friendly disposition prevailed throughout the nation; and that they have remained in this disposition ever since. that attempts have been made by the Spaniards to attach them to their interests, but they prefer a connexion with us, and have formed a resolution to accept of no advantages, which have been offered to them, unless they shall be driven to that resource by our neglect, and are now anxiously waiting the result of their application to Congress. That they have expelled out of their nation, all those who were on the Mississippi, under Colbert, lest their presence should be offensive to the Americans. That although long since desirous of peace, they have been confused and perplexed with contradictory accounts, and knew not where they should make their application, whether to any state in their vicinity or to Congress. That they were finally determined by the advice of Mr. J. Donne, at this time, or heretofore, an officer of the state of Virginia, (and as the committee believe) in the Indian department; and that they promised to confide in the answer he should return them. That during the British government, the Indian nations were accustomed to have a commissary residing among them, who made know their wants, studied their ruling passions, and became so useful and necessary to them that he was styled the *beloved man*. That by his influence it was easy to excite them to war or compose them to peace. That he could easily preclude or expel from among them characters unfriendly to his designs. That he acted frequently as a magistrate in settling disputes among the Indians, and also among the white residents; and from his importance with both these parties may be supposed to have been often usefully employed as a mediator between them. That he prevented innovations on the established trade of the Indians; and, by keeping a watchful eye over



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their conduct, with held them from the pursuit of new objects, and secured their attachment to his own cause. That such a person is peculiarly necessary at this time among the Chickesaws, they having made it an earnest request, being very importunate for supplies, particularly ammunition and cloathing, being alarmed and exasperated by the menaces of mischievous persons, who threaten to take possession of their country, and being exposed to the arts of the Spaniards and to the temptations of their proferred trade. That captain James Colbert, possesses considerable influence over the Chickesaws, Chacktaws, and Creeks; and although by his activity against the Spaniards during the late war, he made himself very obnoxious to them, yet they have been so sensible of his importance, as to make proposals to him; that he has thought proper to decline the same, hoping to meet with a favourable reception from the Americans; that ever since the peace he has been principally instrumental in baffling the Spaniards in their attempts to tamper with the Chickesaws, and in preserving order and steadiness among the Indians, and promises to employ all his interest for these purposes until he shall be informed of the destiny which awaits him. That he is disposed to enter into the employment of the United States, urging, "that his having served his master faithfully, ought not to be brought in evidence against him, and that he was now deserted by that master." that should the good offices of this man be rejected, some disadvantage and danger are to be apprehended from his despair, that it will therefore be prudent to secure him to our party by a subordinate office in the Indian department. That Mr. Donne, who has furnished Congress with the late communications, appears to have obtained a considerable insight into Indian affairs, and from the character he seems to have sustained, is worthy of the notice of Congress: That it is expedient that a talk be forthwith returned by Congress, in answer to the talk, lately received from five chiefs of the Chickesaw nation.

Whereupon the committee have come to the following resolutions.

First. That superintendants of Indian affairs be immediately appointed, not exceeding in number, with salaries of dollars each, to reside at such places as shall be named by the commissioners appointed or to be appointed for settling a peace with the Indians,

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in the department to which each superintendant may respectively belong: and that they be subject to such orders and regulations as shall be framed and agreed to by the said commissioners in their respective departments, until the further pleasure of Congress be known. Moreover that the superintendant of Indian affairs in the district inhabited by the Chickesaws be, and he is hereby directed, to employ Mr. James Colbert, in the service of the United States, in the Indian department, in such manner as shall best promote the honor and interest of the same.

Secondly. *Resolved*, That a committee be appointed to prepare a talk, in answer to the talk lately received from five chiefs of the Chickesaw-nation.